

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

David Forbes,)	C/A No. 3:08-4001-JFA-PJG
)	
Plaintiff,)	ORDER
vs.)	
)	
Leon Lott, Sheriff; Randy Scott, Chief Sgt.;)	
Frank Hinson, Deputy; Deputy Bane; Deputy)	
Weathersbee; Richland County Sheriff's)	
Department; Richland County,)	
)	
Defendants.)	
_____)	

The *pro se* plaintiff, David Forbes, brings this action pursuant to 42 U.S.C. § 1981. The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein she suggests that this action should be dismissed for lack of prosecution. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation and without a hearing.

The defendants filed a motion for summary judgment and the court advised the plaintiff in a *Roseboro* order of the importance of his adequate response to the motion. *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975). Plaintiff did not respond to the order

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

within the prescribed time limits. He did file a motion to dismiss the action several months after the response to the motion for summary judgment was due.

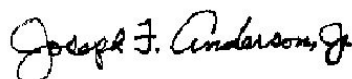
The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on May 17, 2010. The plaintiff, however, did not file any objections to the Report within the time limits prescribed.

The Magistrate Judge has reviewed the matter and finds that plaintiff meets all of the criteria for dismissal under *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919 (4th Cir. 1982).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporated herein by reference. Accordingly, this action is dismissed with prejudice for failure to prosecute under Fed. R. Civ. P. Rule 41(b) and the Clerk shall terminate all outstanding motions.

IT IS SO ORDERED.

June 17, 2010
Columbia, South Carolina

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." The signature is written in a cursive, flowing style.

Joseph F. Anderson, Jr.
United States District Judge